

1 **WO**

2

3

4

5 **IN THE UNITED STATES DISTRICT COURT**

6 **FOR THE DISTRICT OF ARIZONA**

7

8 Puente, *et al.*,

9 Plaintiffs,

10 v.

11 City of Phoenix, *et al.*,

12 Defendants.

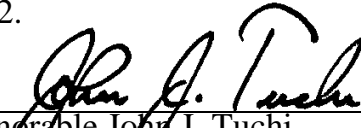
No. CV-18-02778-PHX-JJT

ORDER

13 At issue is Defendants Benjamin Moore, Douglas McBride, Robert Scott,
 14 Christopher Turiano, Jeffrey Howell, and George Herr's Notice of Appeal (Doc. 337), in
 15 which these Defendants appeal the Court's decision (Doc. 336) denying their Motion for
 16 Summary Judgment, which included a denial of qualified immunity. So long as their appeal
 17 turns on a question of law, these Defendants were authorized to file the interlocutory appeal
 18 in this instance pursuant to *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985). Because the
 19 Court declines to certify that these Defendants' claim of qualified immunity is frivolous or
 20 has been waived such that they have forfeited their right to pretrial appeal, the Court "is
 21 automatically divested of jurisdiction to proceed with trial pending appeal." *Chuman v.*
 22 *Wright*, 960 F.2d 104, 105 (9th Cir. 1992). Accordingly,

23 **IT IS ORDERED** staying these proceedings pending the outcome of Defendants
 24 Benjamin Moore, Douglas McBride, Robert Scott, Christopher Turiano, Jeffrey Howell,
 25 and George Herr's appeal (Doc. 337).

26 Dated this 24th day of March, 2022.

27 
 28 Honorable John J. Tuchi
 United States District Judge